

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Cody Resource Area
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2800
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APR 25 1997

Memorandum

TO: State Director (921)
Attn. Mel Schagel

From: Area Manager, Cody Resource Area

Subject: McCullough Peaks Road

The attached briefing paper discusses the McCullough peaks Road and our efforts to get it constructed. We are asking for guidance on the mechanics of allowing right-of-way holders who also use the road to contribute in its construction.

Please contact Duane Feick of this office at (307-587-2216) if more information is needed.

Attachments

McCULLOUGH PEAKS
RIGHTS-OF-WAY WAIVER/REDUCTION
RENTAL ISSUES

ISSUE SUMMARY:

The issue concerns the mechanics of allowing communication site right-of-way holders to perform a valuable public service, and then have their right-of-way rental reduced/waived accordingly.

BACKGROUND:

A need exists to upgrade/reroute portions of a BLM system road to make it suitable for all weather travel as shown on the attached map.

The 18-20 mile loop road provides vehicle access to the McCullough Peaks area, including use by communication site users and the recreational public. The road will likely be a back country by-way eventually, and promoted for tourism. Currently the road is marginally passable, especially during wet conditions. Some of the communication users are trespassing on private land to access their sites. One of the major reasons for the Hoodoo land exchange several years ago was to obtain private land in order to complete this loop road and allow legal access for the public.

Additionally, BLM is in the process of obtaining easements from the State of Wyoming to cross several key pieces of state land with the road. BLM is committed to establishing this road over the next 5-7 years, which is expected to cost \$100,000 total. Our appropriated funding for this project is \$10,000 for this year, with no guarantees for future funding levels.

There are three communication site right-of-way holders who have sites on public land that would be accessed by the road. The combined annual rental for the three sites is \$3-5,000 annually. Back rent for two of the sites is also involved, which could include another \$5-7,000 (one time). We are proposing to allow the communication site r/w holders to provide a valuable service by performing construction work on the road, installing culverts, cattleguards, etc. at their cost. BLM would then waive or reduce their rent accordingly as provided for in 43 CFR 2803.1-2 (b) (2) (ii).

We believe because of the future road construction costs, and the amount of rental involved, it is worth considering this approach. We don't see this being a long term arrangement once the road is constructed.

CONCERNS:

Any arrangement must be workable for both BLM and the holders. For example, we don't want to create an accounting nightmare for the resource area. The rental is due the end of January, construction activities would not occur until the summer. One of the holders is from Colorado, one from Casper, and the other is from Cody. Having the holders hire contractors, schedule work, etc., would be difficult to coordinate.

OPTIONS:

The holders could pool their money and hire the same contractor BLM would use. The contractor would supply us with a statement showing the cost of work completed by the holders. BLM would then reduce/waive their rental bills accordingly. A credit for future years may be possible if a holder wanted to pay for more than one year of annual rental.

The Cody Resource Area is considering entering into a cooperative agreement with the Park County Road and Bridge Department concerning this road. Park County Is able and willing to assist in the construction and maintenance of this road, as they have communication site facilities in this area and need better access as well. We would issue task orders for the construction/maintenance as funds became available from our BLM budget. Communication site r/w holders could fund additional work through the Road and Bridge Department, which would act as their contractor.